

JEFFREY D. WOHL (Cal. State Bar No. 96838)
DANIEL E. WALDMAN (Cal. State Bar No. 223034)
PAUL, HASTINGS, JANOFSKY & WALKER LLP
55 Second Street, 24th Floor
San Francisco, California 94105-3441
Telephone: (415) 856-7000
Facsimile: (415) 856-7100

Attorneys for Defendant
International Business Machines Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

LOUIS I. BRAUNSTEIN,
Plaintiff,

vs.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,
THEODORE LOWRY, WILLIAM
SPENCER, and DOES 1 through 100,
inclusive,

Defendants.

No. C-05-03698-SI

**STIPULATION AND [PROPOSED] ORDER
OF DISMISSAL**

STIPULATION

Pursuant to Rule 41(a)(1), Federal Rules of Civil Procedure, plaintiff Louis I. Braunstein and defendant International Business Machines Corporation hereby stipulate that this action may be dismissed with prejudice, each side to bear its own costs and attorneys' fees.

Dated: October 26, 2006.

ROBERT W. LUCAS
MURPHY, PEARSON, BRADLEY & FEENEY

PAUL NICHOLAS BOYLAN

By: 

Robert W. Lucas
Attorneys for Plaintiff
Louis I. Braunstein

Dated: October 27, 2006.

JEFFREY D. WOHL
DANIEL E. WALDMAN
PAUL, HASTINGS, JANOFKY & WALKER LLP

By: 

Jeffrey D. Wohl
Attorneys for Defendant
International Business Machines Corporation

ORDER

On the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED that this action be and is hereby DISMISSED WITH PREJUDICE, EACH SIDE TO BEAR ITS OWN COSTS AND ATTORNEYS' FEES.

Dated: October __, 2006.



Susan Illston
United States District Judge